

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

**GUIDEONE MUTUAL COMPANY,
GUIDEONE SPECIALTY MUTUAL
COMPANY, and GUIDEONE
ELITE INSURANCE COMPANY,**

Plaintiffs,

v.

**KATHLEEN HOPKINS and
APRIL HOLTON,**

Defendants.

CIVIL ACTION NO.: CV-05-1070-F

**PLAINTIFFS' MOTION TO CONSOLIDATE
PRELIMINARY AND PERMANENT INJUNCTION HEARING**

COME NOW Plaintiffs GuideOne Mutual Company, GuideOne Specialty Mutual Company, and GuideOne Elite Insurance Company (hereinafter, collectively, "GuideOne" or the "Company"), and pursuant to Fed. R. Civ. P. 65(a)(2), respectfully move this Court to advance and consolidate trial of this action on the merits with the preliminary injunction hearing scheduled on November 16, 2005 at 1:00 p.m.

In support of this motion, Plaintiffs state as follows:

1. On November 4, 2005, Plaintiffs filed their Complaint for Declaratory Judgment, for Preliminary and Permanent Injunction, and for Damages. Additionally, Defendants filed a Motion for Temporary Restraining Order.

2. On the afternoon of November 4, 2005, the Court granted Plaintiffs' TRO motion, entered an order against the Defendants, and scheduled a preliminary injunction hearing in this matter on November 16, 2005 at 1:00 p.m.

3. Plaintiffs respectfully request that the Court order the trial of the action on the merits to be advanced and consolidated with the hearing of the application for preliminary injunctive relief. Consolidation is appropriate because the issues and evidence to be addressed at each hearing are identical; separate hearings would be superfluous; and Plaintiffs have requested a trial on the merits by judge alone.

WHEREFORE, PREMISES CONSIDERED, Plaintiffs respectfully request that the Court advance and consolidate trial of this action on the merits with the preliminary injunction hearing scheduled on November 16, 2005 at 1:00 p.m.

s/ Christopher W. Weller
Christopher W. Weller (WEL020)
Terrie S. Biggs (BIG006)
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GuideOne Specialty Mutual Company, and
GuideOne Elite Insurance Company

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CERTIFICATE OF SERVICE

I have served a copy of this upon the following by first-class United States mail, postage prepaid and properly addressed, on the 8th day of November, 2005.

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s/Christopher W. Weller
OF COUNSEL